



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,241	11/19/2001	Toni Paila	004770.00026	8406
72165 7590 02/11/2011 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT 004770 1100 13TH STREET SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
REGO, DOMINIC E				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
02/11/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/988,241

Applicant(s)

PAILA ET AL.

Examiner

DOMINIC E. REGO

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD-05)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-10, 12,15, 18-19, 23,26, 29-30, 34, 37,40, 43,47 and 48 rejected under 35 U.S.C. 102(e) as being anticipated by Famolari et al. (US Patent #6,865,167).

Regarding claim 1, Famolari discloses a method, comprising:

in a first cell, receiving from a base station corresponding to a first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

tuning to a multicast session in the first cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

when a predetermined condition occurs, tuning to the multicast session in the second cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 4, Famolari discloses the method of claim wherein the multicast session information comprises a session title (See abstract; Col 3, lines 35-46 and Col 5, lines 1-14, IP multicasting address).

Regarding claim 9, Famolari discloses a method, comprising:
in a first cell, receiving from a base station corresponding to a first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

tuning to a multicast session in the first cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

when a predetermined condition occurs, tuning to the multicast session in the second cell using the received multicast session information, wherein the multicast session information comprises link-level access parameters corresponding to the first and second cells, wherein comprises using the link-level access parameters to tune to the multicast session in each cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 10, Famolari discloses the method of claim 1 further comprising the step of joining an IP multicast group in the first cell (Col 4, lines 41-53).

Regarding claim 12, Famolari discloses apparatus, comprising: a processor; and memory for storing computer readable instructions that, when executed by the processor, cause the apparatus to perform:

in a first cell, receiving from a base station corresponding to a first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

tuning to a multicast session in the first cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

when a predetermined condition occurs, tuning to the multicast session in the second cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 15, Famolari discloses the apparatus of claim 13 wherein the multicast session information comprises a session title (See abstract; Col 3, lines 35-46 and Col 5, lines 1-14, IP multicasting address).

Regarding claim 18, Famolari discloses the apparatus of claim 12, wherein the multicast session information comprises link-level access parameters corresponding to the first and second cells, and wherein tuning comprises using the link-level access parameters to tune to the multicast session in each cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 19, Famolari discloses the apparatus of claim 12, wherein the computer readable instructions further comprise the step of joining an IP multicast group in the first cell (Col 4, lines 41-53).

Regarding claim 23, Famolari discloses a computer readable medium storing computer readable instructions that, when executed, cause a data processing device to perform:

in a first cell, receiving from a base station corresponding to a first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

tuning to a multicast session in the first cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

when a predetermined condition occurs, tuning to the multicast session in the second cell using the received multicast session information (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 26, Famolari discloses the method of claim 23, wherein the multicast session information comprises a session title (See abstract; Col 3, lines 35-46 and Col 5, lines 1-14, IP multicasting address).

Regarding claim 29, Famolari discloses the computer readable medium of claim 23, wherein the multicast session information comprises link-level access parameters corresponding to the first and second cells, and wherein tuning comprise using the link-level access parameters to tune to the multicast session in each cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 30, Famolari discloses the method of claim 1, wherein the computer readable instructions further comprise the step of joining an IP multicast group in the first cell (Col 4, lines 41-53).

Regarding claim 34, Famolari discloses a method comprising:
tuning to a logical announcement channel; receiving a session announcement corresponding to a multicast session, the session announcement comprising information that maps link-level access parameters in each of a plurality of cells to the multicast session (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);
receiving the multicast session in a first cell using the first cell's received link level access parameters (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65); and
when reception of the multicast session in the first cell changes from a first signal strength, receiving the multicast session in a second cell using link-level access parameters contained in the session announcement (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 37, Famolari discloses an apparatus, comprising: a processor; and memory for storing computer readable instructions that, when executed, cause the apparatus to perform:

wirelessly receiving from a base station corresponding to a first cell, a broadcast message communicating multicast session information for the first cell and multicast information for a second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

wirelessly tuning to a multicast session broadcast by the base station corresponding to the first cell using the received multicast session information for the first cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

when a predetermined condition occurs, wirelessly tuning to a corresponding multicast session broadcast by a base station corresponding to the second cell using the received multicast session information for the second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 40, Famolari discloses the apparatus of claim 37, wherein each multicast session information comprises a session title (See abstract; Col 3, lines 35-46 and Col 5, lines 1-14, IP multicasting address).

Regarding claim 43, Famolari discloses the apparatus of claim 37, wherein each multicast session information comprises link-level access parameters corresponding to its respective cell, and wherein tuning comprises using the link-level access parameters to tune to the multicast session in each respective cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 47, Famolari discloses a method, comprising, prior to determining that a handoff from a first cell to a second cell should be made for a mobile terminal located in the first cell, transmitting from a base station corresponding to the first cell a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and the second cell (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Regarding claim 48, Famolari teaches an apparatus, comprising: a processor; and memory for storing computer readable instructions that, when executed, cause the apparatus to:

tune to a logical announcement channel; receive a session announcement corresponding to a multicast session, the session announcement comprising information that maps link-level access parameters in each of a plurality of cells to the multicast session (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65);

receive the multicast session in a first cell using the first cell's received link-level access parameters (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65); and

when reception of the multicast session in the first cell changes from a first signal strength, receive the multicast session in a second cell using link-level access parameters contained in the session announcement (Col 4, lines 11-67; Col 7, line 47-col 8, line 12; and Col 9, lines 1-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,13,24, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari et al. (US Patent #6,865,167) in view of Lee et al. (US Patent #6,728,531).

Regarding claim 2, Famolari discloses the method of claim 1, wherein the multicast session information comprises a session identifier (Col 5, lines 1-24 and Col 9, lines 22-65), but does not a list of channels in which the multicast session is available.

However, in related art, Lee teaches a list of channels in which the multicast session is available (Col 9, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Lee to Famolari in order to determine the quality of any available channels within the spectrum for data transmission.

Regarding claim 13, Famolari discloses the apparatus of claim 12, wherein the multicast session information comprises a session identifier (Col 5, lines 1-24 and Col 9, lines 22-65), but does not a list of channels in which the multicast session is available.

However, in related art, Lee teaches a list of channels in which the multicast session is available (Col 9, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Lee to Famolari in order to determine the quality of any available channels within the spectrum for data transmission.

Regarding claim 24, Famolari discloses the method of claim 23, wherein the multicast session information comprises a session identifier (Col 5, lines 1-24 and Col 9, lines 22-65), but does not a list of channels in which the multicast session is available.

However, in related art, Lee teaches a list of channels in which the multicast session is available (Col 9, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Lee to Famolari in order to determine the quality of any available channels within the spectrum for data transmission.

Regarding claim 38, Famolari discloses the apparatus of claim 1, wherein each multicast session information comprises a session identifier (Col 5, lines 1-24 and Col 9, lines 22-65), but does not a list of channels in which the multicast session is available.

However, in related art, Lee teaches a list of channels in which the multicast session is available (Col 9, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Lee to Famolari in order to determine the quality of any available channels within the spectrum for data transmission.

5. Claims 3,14,25, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari et al. (US Patent #6,865,167) in view of admitted prior art.

Regarding claim 3, Famolari fails to disclose the method of claim 1, wherein the multicast session information comprises a frequency.

However, admitted prior art teaches the method of claim 1, wherein the multicast session information comprises a frequency (Paragraph 0004). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of admitted prior art to Famolari in order to hand over a mobile terminal from one cell to another.

Regarding claim 14, Famolari fails to disclose the apparatus of claim 12, wherein each multicast session information comprises a frequency.

However, admitted prior art teaches the apparatus of claim 12, wherein each multicast session information comprises a frequency (Paragraph 0004). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of admitted prior art to Famolari in order to hand over a mobile terminal from one cell to another.

Regarding claim 25, Famolari fails to disclose the computer readable medium of claim 23, wherein each multicast session information comprises a frequency.

However, admitted prior art teaches the computer readable medium of claim 23, wherein each multicast session information comprises a frequency (Paragraph 0004). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of admitted prior art to Famolari in order to hand over a mobile terminal from one cell to another.

Regarding claim 39, Famolari discloses the apparatus of claim 37, wherein each multicast session information comprises a frequency.

However, admitted prior art teaches the apparatus of claim 37, wherein each multicast session information comprises a frequency (Paragraph 0004). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of admitted prior art to Famolari in order to hand over a mobile terminal from one cell to another.

6. Claims 5-6, 11, 20-22, 31-33, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari in view of McCormick (US 6,519,455).

Regarding claim 5, Famolari discloses method of claim 1, but does not expressly disclose handoff due to signal fading.

McCormick wherein a predetermined condition for broadcast handoff comprises a signal strength fading (Col. 7 line 17-36; Col. 8 lines 5-32). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change base stations when a signal fades in order to continue a session without it being interrupted or dropped due to loss of signal.

Regarding claim 6, Famolari discloses the computer readable medium of claim 1, but does not disclose that a predetermined condition comprises receiving predetermined user input.

McCormick discloses a mobile terminal, wherein a predetermined condition comprises receiving predetermined user input. (Col. 6 lines 17-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

Regarding claim 11, Famolari discloses the method of claim 1, but does not expressly disclose periodic broadcast while tuned to the first session.

McCormick discloses a system wherein the computer readable instructions further comprise the step of periodically receiving session announcements while tuned to the session in the first cell. (Col. 5 line 36-62) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to periodically receive multicast session announcements while tuned to the multicast session in the first cell in order to inform the users of other broadcasts or new broadcast that become available.

Regarding claim 20, Famolari discloses the apparatus of claim 12, but does not expressly disclose periodic broadcast while tuned to the first session.

McCormick discloses a system wherein the computer readable instructions further comprise the step of periodically receiving session announcements while tuned to the session in the first cell. (Col. 5 line 36-62) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to periodically receive multicast session announcements while tuned to the multicast session in the first cell in order to inform the users of other broadcasts or new broadcast that become available.

Regarding claim 21, Famolari discloses the apparatus, but does not expressly disclose handoff due to signal fading.

McCormick wherein a predetermined condition for broadcast handoff comprises a signal strength fading. (Col. 7 line 17-36; Col. 8 lines 5-32). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change

base stations when a signal fades in order to continue a session without it being interrupted or dropped due to loss of signal.

Regarding claim 22, Famolari discloses the apparatus of claim 12 but does not expressly disclose a predetermined user input for handover.

McCormick discloses a mobile terminal, wherein a predetermined condition comprises receiving predetermined user input. (Col. 6 lines 17-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

Regarding claim 31, Famolari discloses the computer readable medium of claim 23, but does not expressly disclose periodic broadcast while tuned to the first session.

McCormick discloses a system wherein the computer readable instructions further comprise the step of periodically receiving session announcements while tuned to the session in the first cell. (Col. 5 line 36-62) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to periodically receive multicast session announcements while tuned to the multicast session in the first cell in order to inform the users of other broadcasts or new broadcast that become available.

Regarding claim 32, Famolari discloses a computer readable medium, but does not expressly disclose handoff due to signal fading.

McCormick wherein a predetermined condition for broadcast handoff comprises a signal strength fading. (Col. 7 line 17-36; Col. 8 lines 5-32). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change

base stations when a signal fades in order to continue a session without it being interrupted or dropped due to loss of signal.

Regarding claim 33, Famolari does not expressly disclose user input for handoff.

McCormick discloses a computer readable medium, wherein the predetermined condition comprises receiving predetermined user input. (Col. 6 lines 17-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

Regarding claim 44, Famolari discloses the apparatus of claim 37, but does not expressly disclose periodic broadcast while tuned to the first session.

McCormick discloses a system wherein the computer readable instructions further comprise the step of periodically receiving session announcements while tuned to the session in the first cell. (Col. 5 line 36-62) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to periodically receive multicast session announcements while tuned to the multicast session in the first cell in order to inform the users of other broadcasts or new broadcast that become available.

Regarding claim 45, Famolari discloses the apparatus, but does not expressly disclose handoff due to signal fading.

McCormick wherein a predetermined condition for broadcast handoff comprises a signal strength fading. (Col. 7 line 17-36; Col. 8 lines 5-32). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change

base stations when a signal fades in order to continue a session without it being interrupted or dropped due to loss of signal.

Regarding claim 46, Famolari does not expressly disclose user input for handoff.

McCormick discloses a computer readable medium, wherein a predetermined condition for handoff comprises receiving predetermined user input. (col. 6 lines 17-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

7. **Claims 7, 16, 27, 35, 41, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari in view of Examiner's Official notice.

Regarding claim 7, Famolari discloses the method of claim 1 but does not expressly disclose the method of claim 1, wherein tuning comprises receiving a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well-known and standard type of broadcast. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

Regarding claim 16, Famolari discloses the apparatus of claim 12, but does not expressly disclose tuning comprise receiving a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well known and standard type of broadcast. Therefore it would have been obvious to one of ordinary

skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

Regarding claim 27, Famolari discloses the method of claim 23 but does not expressly disclose, wherein tuning comprise receiving a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well known and standard type of broadcast. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

Regarding claim 35, Famolari discloses the method of claim 34 but does not expressly disclose wherein receiving the multicast session in the first cell and receiving the multicast session in the second cell each comprise tuning to a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well known and standard type of broadcast. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

Regarding claim 41, Famolari discloses the apparatus of claim 37 but does not expressly disclose wherein tuning comprise wirelessly receiving a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well known and standard type of broadcast. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

Regarding claim 49, Famolari discloses the apparatus of claim 48, but does not expressly disclose wherein receiving the multicast session in the first cell and receiving the multicast session in the second cell each comprise tuning to a digital video broadcast terrestrial (DVB-T) multicast session. Examiner takes official notice that DVB-T is a well known and standard type of broadcast. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multicast format to insure standard operation and system interoperability.

8. **Claims 8, 17, 28, 36, 42, and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Famolari in view of Das et al. (US 2001/0036834).

Regarding claim 8, Famolari discloses the method of claim 1, wherein tuning comprise receiving a multicast session, but does not disclose UMTS. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Regarding claim 17, Famolari discloses the apparatus of claim 12, wherein tuning comprise receiving a multicast session, but does not disclose UMTS. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in

the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Regarding claim 28, Famolari discloses the computer readable medium of claim 23, wherein tuning comprise receiving a multicast session, but does not disclose UMTS. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Regarding claim 36, Famolari discloses the method of claim 34, wherein receiving the multicast session in the first cell and receiving the multicast session in the second cell each comprise tuning to a multicast session, but does not disclose UMTS. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Regarding claim 42, Famolari discloses the apparatus of claim 37, wherein comprise wirelessly receiving a multicast session, but does not disclose UMTS. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in

the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Regarding claim 50, Famolari teaches the apparatus of claim 48, wherein receiving the multicast session in the first cell and receiving the multicast session in the second cell each, but does not disclose comprise tuning to a UMTS multicast session. Das discloses a system with multicast handover that may be implemented in UMTS. (Paragraphs 0004, 0012) Therefore it would have been obvious to one of ordinary skill in the art to implement a multicast handover method using UMTS, as UMTS is well known to be a developing standard that will support multimedia applications where multicast will be used.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ludwig et al. (US Pub. No. 2004/0233883), Choyi et al. (US Patent #7,339,928), Yang et al. (US Patent #7,072,289), Sung et al. (US Patent #6,226,684), Momirov (US Patent #6,484,209), Newell et al. (US 2002/0142759), Magret et al. (US Patent #6,988,146), Vakil et al. (US Patent #7,072,317).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic E. Rego/
Primary Examiner, Art Unit 2618
Tel 571-272-8132